

ORDINANCE NO. 2001 - 018

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE DEVELOPMENT AMENDMENT 01-SCA 57 RES 1 (HAVERHILL CLF); MODIFYING PAGE 57 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 9.14 ACRES GENERALLY LOCATED ON THE EAST SIDE OF HAVERHILL ROAD, APPROXIMATELY 0.5 MILE NORTH OF OKEECHOBEE BOULEVARD, FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8), SUBJECT TO CONDITIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on January 19, 2001, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations

1 regarding the proposed amendments to the Palm Beach County Board of  
2 County Commissioners pursuant to Chapter 163, Part II, Florida  
3 Statutes; and

4 WHEREAS, the Palm Beach County Board of County Commissioners, as  
5 the governing body of Palm Beach County, conducted a public hearing  
6 pursuant to Chapter 163, Part II, Florida Statutes, on April 26, 2001,  
7 to review the recommendations of the Local Planning Agency and to  
8 consider adoption of the amendments; and

9 WHEREAS, the Palm Beach County Board of County Commissioners has  
10 determined that the amendment complies with all requirements of the  
11 Local Government Comprehensive Planning and Land Development Regulation  
12 Act.

13 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
14 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

15 Part I. Amendments to the Future Land Use Atlas of the Land Use  
16 Element of the 1989 Comprehensive Plan

17 The following amendment to the Future Land Use Element's Future  
18 Land Use Atlas is hereby adopted and is attached to this Ordinance:

19 A. Future Land Use Atlas page 57 is amended as follows:

20 Application No.: 01-SCA 57 RES 1 (Haverhill CLF)

21 Amendment: From Medium Residential, 5 units per acre  
22 (MR-5) to High Residential, 8 units per acre  
23 (HR-8)

24 General Location: East side of Haverhill Road and  
25 approximately 0.5 mile north of Okeechobee  
26 Boulevard

27 Size: Approximately 9.14 acres;

28 B. Conditions: This parcel is subject to the following  
29 conditions:

- 30 1) The site shall be limited to: a) A Congregate Living  
31 Facility consistent with the HUD 202 program with a maximum  
32 of 130 beds; or b) other Institutional uses permitted under  
33 a residential land use; or c) other residential uses defined  
34 by the rules governing the MR-5 category.

1                    Part II. Repeal of Laws in Conflict

2                    All local laws and ordinances applying to the unincorporated area  
3 of Palm Beach County in conflict with any provision of this ordinance  
4 are hereby repealed to the extent of such conflict.

5                    Part III. Severability

6                    If any section, paragraph, sentence, clause, phrase, or word of  
7 this Ordinance is for any reason held by the Court to be  
8 unconstitutional, inoperative or void, such holding shall not affect  
9 the remainder of this Ordinance.

10                   Part IV. Inclusion in the 1989 Comprehensive Plan

11                   The provisions of this Ordinance shall become and be made a part  
12 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
13 Ordinance may be renumbered or relettered to accomplish such, and the  
14 word "ordinance" may be changed to "section," "article," or any other  
15 appropriate word.

16                   Part V. Effective Date

17                   This amendment shall not become effective until 31 days after  
18 adoption. If challenged within 30 days after adoption, this amendment  
19 shall not become effective until the state land planning agency or the  
20 Administration Commission, respectively, issues a final order  
21 determining the amendment is in compliance.

22                   **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm  
23 Beach County, on the 26 day of April, 2001.

24                   ATTEST:  
25 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

26                   By: Joan Haverhill  
27                   Deputy Clerk

By: Warren H. Newell  
Warren H. Newell, Chairman

28                   APPROVED AS TO FORM AND LEGAL SUFFICIENCY,

29                   [Signature]  
30                   COUNTY ATTORNEY

31                   Filed with the Department of State on the 3rd day  
32 of May, 2001.

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EXHIBIT 1

Amendment No.: 01-SCA 57 RES 1 (Haverhill CLF)

FLUA Page No.: 57

Amendment: From Medium Residential, 5 units per acre (MR-5) to High Residential, 8 units per acre (HR-8)

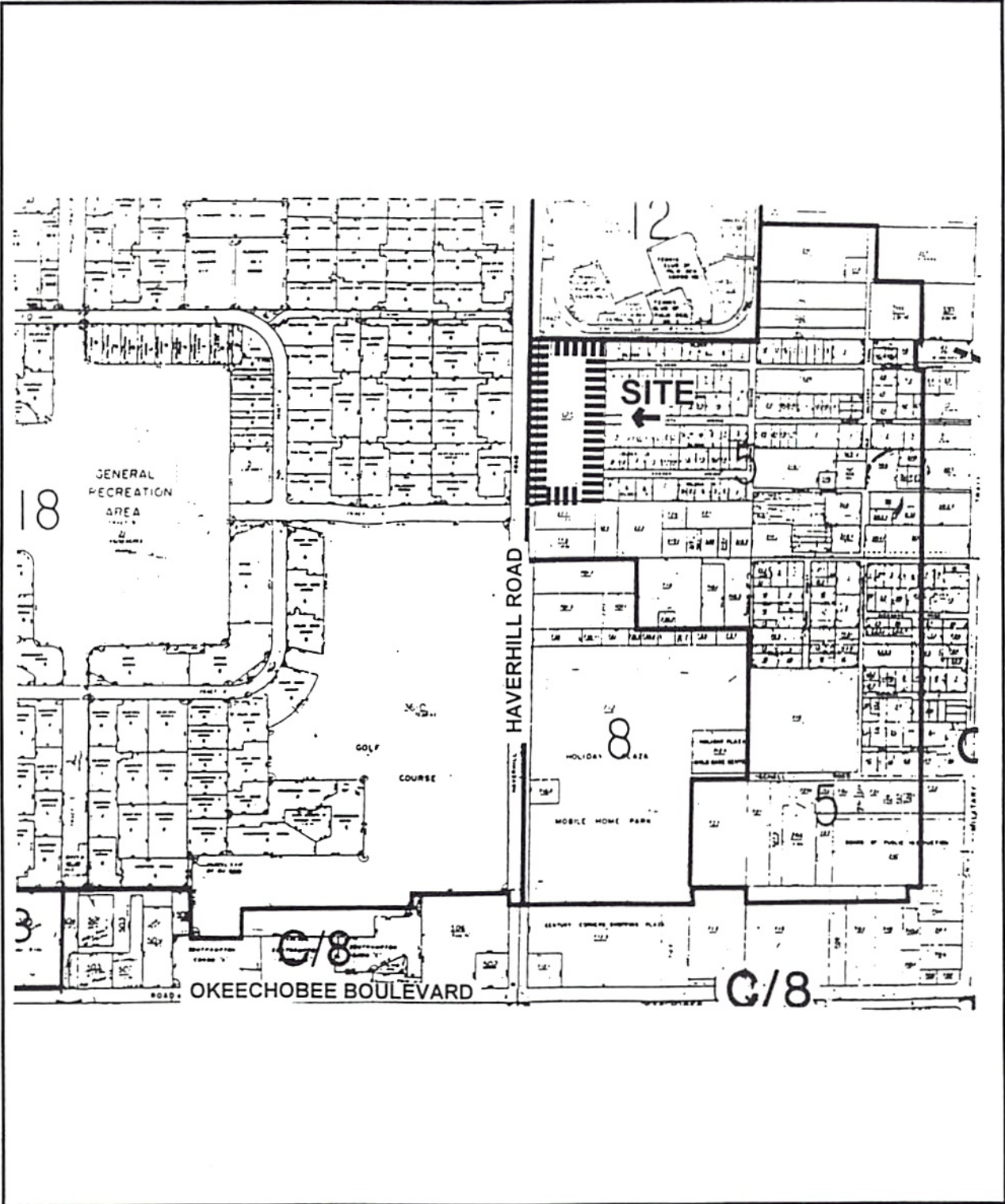
Location: East side of Haverhill Road and approximately 1/2 mile north of Okeechobee Boulevard.

Size: Approximately 9.14 acres

Property No.: 00-42-43-24-00-000-3250

Legal Description: See attached

Condition: The site shall be limited to: 1) A Congregate Living Facility consistent with the HUD 202 program with a maximum of 130 beds; or 2) other Institutional uses permitted under a residential land use; or 3) other residential uses defined by the rules governing the MR-5 category.



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**Legal Description:**

The West One-Third (1/3) of the North Three-Quarters (3/4) of the Southwest One-Quarter (1/4) of Section 24, Township 43 South, Range 42 East, palm Beach County, Florida, Less the West 50 feet thereof for road right of way.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on April 26, 2001  
DATED at West Palm Beach, FL on 5/10/01.  
DOROTHY H. WILKEN, Clerk  
By: Glenn Brown D.C.